

HOUSE BILL NO. 53

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES COGHILL, Ramras, Rokeberg, Kelly

Introduced: 1/10/05

Referred: Health, Education and Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to child-in-need-of-aid proceedings; amending the construction of**
2 **statutes pertaining to children in need of aid; relating to a duty and standard of care for**
3 **services to children and families; amending court hearing procedures to allow public**
4 **attendance at child-in-need-of-aid proceedings; establishing a right to a trial by jury in**
5 **termination of parental rights proceedings; reestablishing and relating to state and local**
6 **citizens' review panels for certain child custody matters; amending the duty to disclose**
7 **information pertaining to a child in need of aid; establishing a distribution age for**
8 **permanent fund dividends held in trust for a child committed to the custody of the**
9 **Department of Health and Social Services; mandating reporting of the medication of**
10 **children in state custody; prescribing the rights of grandparents related to child-in-**
11 **need-of-aid cases and establishing a grandparent priority for adoption in certain child-**
12 **in-need-of-aid cases; modifying adoption and placement procedures in certain child-in-**

1 need-of-aid cases; amending treatment service requirements for parents involved in
 2 child-in-need-of-aid proceedings; amending Rules 3 and 18, Alaska Child in Need of Aid
 3 Rules of Procedure; and providing for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 25.23 is amended by adding a new section to read:

6 **Sec. 25.23.127. Grandparent's preference to adopt.** Notwithstanding a
 7 child's stated preference under AS 25.23.125 and 25.23.040(a)(5), a grandparent who
 8 has had physical custody of a child for at least two consecutive years when the
 9 parental rights to the child have been terminated under AS 47.10.080(c)(3), shall be
 10 permitted to adopt the child before any other person upon the filing of a petition by the
 11 grandparent under AS 25.23.080 unless the court finds that the grandparent is not fit to
 12 raise the child.

13 * **Sec. 2.** AS 47.10.005 is amended to read:

14 **Sec. 47.10.005. Construction.** The provisions of this chapter shall be
 15 liberally construed to

16 (1) achieve the end that a child coming within the jurisdiction of the
 17 court under this chapter may receive the care, guidance, treatment, and control that
 18 will promote the child's welfare;

19 (2) recognize that a parent possesses inherent individual rights to
 20 direct and control the education and upbringing of the parent's child;

21 (3) promote and protect the safety, welfare, health, and good of
 22 children, grandparents, and relatives living in the state;

23 (4) benefit future generations;

24 (5) bring fairness and equality to biological family members and
 25 children in the state; and

26 (6) recognize that a parent is held to a standard of care and that
 27 the state must be held to the same standard.

28 * **Sec. 3.** AS 47.10 is amended by adding a new section to read:

29 **Sec. 47.10.025. Biological grandparent's rights.** (a) A biological
 30 grandparent of a child who has been adjudicated a child in need of aid under this

chapter may initiate special proceedings by filing a petition to obtain custody of the child if

- (1) one or both of the child's parents are dead; and
- (2) the child has been abandoned by a remaining parent.

(b) In a proceeding initiated under (a) of this section, the court shall presume that awarding custody to a biological grandparent is in the best interest of the child. A presumption under this subsection may be overcome by evidence of abuse, neglect, or other harm to the child attributable to the biological grandparent.

(c) The department shall attempt to locate all living biological grandparents of a child and to investigate the biological grandparent's ability to care for the child before placing the child or approving an adoption of the child under this chapter. The department shall provide written notice to all identified biological grandparents of their rights under this chapter and of the procedures necessary to gain custody of the child. The biological grandparents shall sign a receipt of the notice and, if the biological grandparent is competent, state that the biological grandparent understands the biological grandparent's right to initiate proceedings to gain custody of the child and either intends or declines to proceed.

* **Sec. 4.** AS 47.10 is amended by adding a new section to read:

Sec. 47.10.065. Right to demand jury trial in certain cases. A party has the right to demand a jury trial for a hearing under this chapter on a petition to terminate parental rights. If a hearing to adjudicate whether a child is a child in need of aid under AS 47.10.011 is consolidated with a hearing on a petition to terminate parental rights, the right to a jury trial under this section applies only to the issue of whether parental rights should be terminated after the court enters a finding under AS 47.10.080(a). In this section, "party" has the meaning given in Rule 2, Alaska Child in Need of Aid Rules of Procedure.

* **Sec. 5.** AS 47.10.070(a) is amended to read:

(a) The court may conduct the hearing on the petition in an informal manner. The court shall give notice of the hearing to the department, and it may send a representative to the hearing. The court shall also transmit a copy of the petition to the department. The department shall send notice of the hearing to the persons for whom

notice is required under AS 47.10.030(b) and to each grandparent of the child entitled to notice under AS 47.10.030(d). The department and the persons to whom the department must send notice of the hearing are entitled to be heard at the hearing. However, the court may limit the presence of the foster parent or other out-of-home care provider and of any grandparent of the child to the time during which the person's testimony is being given if it is (1) in the best interest of the child; or (2) necessary to protect the privacy interests of the parties and will not be detrimental to the child. The [PUBLIC SHALL BE EXCLUDED FROM THE HEARING, BUT THE] court, in its discretion, may exclude other [PERMIT] individuals from [TO ATTEND] a hearing if their attendance is not compatible with the best interests of the child.

* **Sec. 6.** AS 47.10.070 is amended by adding new subsections to read:

(c) The right of a grandparent to attend hearings under (a) of this section does not affect the right of a grandparent to intervene in a proceeding under this chapter.

(d) Nothing contained in this section limits the rights of grandparents under this title.

* **Sec. 7.** AS 47.10.080(c) is amended to read:

(c) If the court finds that the child is a child in need of aid, the court shall

(1) order the child committed to the department for placement in an appropriate setting for a period of time not to exceed two years or in any event not to extend past the date the child becomes 19 years of age, except that the department or the child's guardian ad litem may petition for and the court may grant in a hearing

(A) one-year extensions of commitment that do not extend beyond the child's 19th birthday if the extension is in the best interests of the child; and

(B) an additional one-year period of state custody past [AGE] 19 years of age if the continued state custody is in the best interests of the person and the person consents to it;

(2) order the child released to a parent, relative, or guardian of the child or to another suitable person, and, in appropriate cases, order the parent, relative, guardian, or other person to provide medical or other care and treatment; if the court releases the child, it shall direct the department to supervise the care and treatment

given to the child, but the court may dispense with the department's supervision if the court finds that the adult to whom the child is released will adequately care for the child without supervision; the department's supervision may not exceed two years or in any event extend past the date the child reaches [AGE] 19 years of age, except that the department or the child's guardian ad litem may petition for and the court may grant in a hearing

(A) one-year extensions of supervision that do not extend beyond the child's 19th birthday if the extensions are in the best interests of the child; and

(B) an additional one-year period of supervision past age 19 if the continued supervision is in the best interests of the person and the person consents to it; or

(3) unless a jury trial has been requested by a party, order, under the grounds specified in (o) of this section or AS 47.10.088, the termination of parental rights and responsibilities of one or both parents and commit the child to the custody of the department, and the department shall report quarterly to the court on efforts being made to find a permanent placement for the child; if a jury trial has been requested by a party, the court shall conduct a jury trial on the termination of parental rights under this section.

* **Sec. 8.** AS 47.10.080 is amended by adding new subsections to read:

(t) The court may not terminate parental rights solely on the basis that the parent did not complete treatment required of the parent by the department for reunification with the child if the parent can show, by a preponderance of the evidence, that the treatment required was unavailable to the parent and the department did not provide the treatment.

(u) A child may not be placed in a foster home known to the department as a home requesting adoption of a child before

(1) 30 days after the date of the first permanency hearing;

(2) the decision of the department is made to seek termination of parental rights; and

(3) the court approves of the placement after a hearing.

(v) Within 60 days after the date a child is removed from the child's home by the department, the department shall notify the appropriate local citizen out-of-home care review panel established under AS 47.14.225.

(w) Within 60 days after a court orders a child committed to the department under (c) of this section and at a review under (f) or (l) of this section, the department shall inform the parties about the local citizen out-of-home care review panel established under AS 47.14.225.

(x) If the department applies for a permanent fund dividend for a child committed to the department under (c) of this section, the dividend shall be held in trust for the child until the child is 18 years of age, regardless of whether the child is adopted.

* **Sec. 9.** AS 47.10 is amended by adding a new section to read:

Sec. 47.10.089. Report of prescription drugs. (a) When a child is in the custody of the department under AS 47.10.084 and the child is prescribed a psychotropic or other mental health medication, the department shall prepare a report. The report must include the

- (1) child's name and date of birth;
- (2) name and dosage of the medication;
- (3) condition or diagnosis for which the medication is prescribed;
- (4) name of the prescribing physician;
- (5) assessment of the child's caseworker pertaining to the child's response to the medication; and
- (6) assessment of the child's caregiver pertaining to the child's response to the medication, if available.

(b) A report prepared under (a) of this section shall be distributed to the statewide supervisor of the caseworker of the child, the parent or guardian of the child, and, to the extent allowed under applicable federal and state law, the intervening tribal or tribal custodian for the child.

(c) A summary of the reports prepared under (a) of this section, excluding identifying information of a child, shall be distributed to members of the Senate and House Health and Social Service Committees by March 1 of each year.

(d) In this section, "caregiver" includes a parent, grandparent, foster parent, relative, teacher, or child care provider.

* **Sec. 10.** AS 47.10.092 is amended by adding a new subsection to read:

(d) The duty imposed on the department under (a) of this section to disclose information to and make copies of documents available for inspection by state officials and employees upon proof that a parent has requested the assistance of the state official or employee with respect to a child's case does not lapse when the parent's parental rights have been terminated with respect to the child. However, the duty does lapse after termination of the parent's parental rights if another parent or legal guardian of the child subsequently files a notice with the department that the assistance of the state official or employee is no longer requested.

* **Sec. 11.** AS 47.10.142 is amended by adding a new subsection to read:

(i) Within 60 days after a court orders a child committed to the department under this section, the department shall inform the parties about the local citizen out-of-home care review panel established under AS 47.14.225.

* **Sec. 12.** AS 47.10.960 is amended to read:

Sec. 47.10.960. Duty and standard of care [NOT] created. The department shall adopt regulations establishing [NOTHING IN THIS TITLE CREATES] a duty and [OR] standard of care for services to children and their families being served under this chapter [AS 47.10]. The regulations must be consistent in all relevant respects with the code of professional ethics and the standards of practice for social workers adopted by the Board of Social Work Examiners under AS 08.95.

* **Sec. 13.** AS 47.14.100(e) is amended to read:

(e) A child may not be placed in a foster home or in the care of an agency or institution providing care for children if a relative by blood or marriage, family friend, or neighbor requests placement of the child in the [RELATIVE'S] home of the relative, family friend, or neighbor and the parent or guardian of the child agrees to the placement. However, the department may retain custody of the child and provide for its placement in the same manner as for other children if the department

(1) makes a determination, supported by clear and convincing evidence, that placement of the child with the relative, family friend, or neighbor will result in physical or mental injury; in making that determination, poverty, including inadequate or crowded housing, on the part of the [BLOOD] relative, family friend, or neighbor is not considered prima facie evidence that physical or emotional damage to the child will occur; this determination may be appealed to the superior court to hear the matter de novo;

(2) determines that a member of the relative's, family friend's, or neighbor's household who is 12 years of age or older was the perpetrator in a substantiated report of abuse under AS 47.17; or

(3) determines that a member of the relative's, family friend's, or neighbor's household who is 12 years of age or older is under arrest for, charged with, has been convicted of, or has been found not guilty by reason of insanity of, a serious offense; notwithstanding this paragraph, the department may place or continue the placement of a child at the relative's, family friend's, or neighbor's home if the relative, family friend, or neighbor demonstrates to the satisfaction of the department that conduct described in this paragraph occurred at least five years before the intended placement and the conduct

(A) did not involve a victim who was under 18 years of age at the time of the conduct;

(B) was not a crime of domestic violence as defined in AS 18.66.990; and

(C) was not a violent crime under AS 11.41.100 - 11.41.455 or a law or ordinance of another jurisdiction having similar elements.

* **Sec. 14.** AS 47.14.100(f) is amended to read:

(f) If a blood relative of the child specified under (e) of this section exists and agrees that the child should be placed elsewhere, before placement elsewhere, the department shall fully communicate the nature of the placement proceedings to the relative. Communication under this subsection shall be made in the relative's native language, if necessary. [NOTHING IN THIS SUBSECTION OR IN (e) OF THIS SECTION APPLIES TO CHILD PLACEMENT FOR ADOPTIVE PURPOSES.]

1 * **Sec. 15.** AS 47.14 is amended by adding a new section to article 3 to read:

2 **Sec. 47.14.205. Citizens' Review Panel for Permanency Planning.** (a)

3 There is created in the Department of Administration the Citizens' Review Panel for
4 Permanency Planning. The state panel consists of five members appointed by the
5 governor from among present members of local citizen out-of-home care review
6 panels established under AS 47.14.225. The governor shall appoint at least one state
7 panel member from each judicial district. The governor may not appoint a person who
8 has committed a felony or violated AS 11.51.130 or a law with substantially similar
9 elements.

10 (b) Members of the state panel serve at the pleasure of the governor for
11 staggered terms of three years or until their successors are appointed.

12 (c) The members of the state panel shall elect from among the members a
13 chair who shall serve for one year. Three members of the state panel constitute a
14 quorum for the transaction of business. The panel may not take official action without
15 the affirmative vote of at least three of its members.

16 (d) Members of the state panel are entitled to reimbursement for actual
17 expenses necessary to perform their duties as state panel members. The
18 reimbursement may not exceed the amount of per diem and expenses authorized for
19 boards and commissions under AS 39.20.180.

20 (e) The state panel shall meet twice annually. Meetings may take place
21 telephonically.

22 (f) The state panel may employ a program manager and two assistant
23 managers who shall serve at the pleasure of the state panel. The program manager
24 shall employ staff as necessary to carry out the program manager's duties under state
25 panel directives and to provide clerical assistance to local panels.

26 * **Sec. 16.** AS 47.14 is amended by adding a new section to article 3 to read:

27 **Sec. 47.14.215. Duties of the state panel.** The state panel shall

28 (1) by regulation adopt policies and procedures to carry out its duties
29 and to govern the performance of the duties of the local panels established under
30 AS 47.14.225;

31 (2) compile reports from the local panels;

(3) report annually to the governor by the 10th day of each regular session, concerning the activities of the state and local panels during the previous fiscal year; the report must include the number of cases reviewed by each local panel, a description of the characteristics of the children whose cases were reviewed by the panels, the number of children reunited with their families, the number of children placed in other permanent homes, and the timeliness of each review conducted under AS 47.14.245; the report may contain other information on the experience of the local panels.

* **Sec. 17.** AS 47.14 is amended by adding a new section to article 3 to read:

Sec. 47.14.225. Appointment of local panels. (a) The governor shall appoint a local citizen out-of-home care review panel for each judicial district composed of five members and two alternates who are residents of the judicial district. Members shall serve three-year terms, except that, when a local panel is initially appointed, two members shall be appointed for three-year terms, two members for two-year terms, and one member for a one-year term. Alternates shall be appointed to three-year terms.

(b) The governor shall appoint persons to a local panel who have experience, special knowledge, or a demonstrated interest in the welfare of children. An out-of-home care provider or a person employed by the court system, the department, the office of public advocacy, the Public Defender Agency, or the Department of Law may not serve as a member or alternate member of a local panel. The governor may not appoint a person who has committed a felony or violated AS 11.51.130 or a law with substantially similar elements.

(c) The composition of a local panel must be reasonably representative of the various social, economic, racial, ethnic, and cultural groups of the district from which the members are appointed.

(d) If the state panel determines that additional local panels are necessary in a judicial district because of excessively large or complex caseloads for review or because of the demographics of cases, or determines that a local panel is not necessary because of a reduced caseload, the governor may create or dissolve a local panel. The governor may not reduce the number of panels in a judicial district to fewer than one.

1 Appointments to a panel established under this subsection are governed by (a) - (c) of
2 this section.

3 (e) When a person is appointed to serve on a local panel, the person shall
4 swear or affirm to keep confidential all information that comes before the local panel
5 except for nonidentifying case information included in a report to the state panel,
6 information for reports required under AS 47.17, or as required by court order for
7 good cause shown. A local panel member may also share confidential information
8 with other members of the local panel and staff who serve the local panel.

9 * **Sec. 18.** AS 47.14 is amended by adding a new section to article 3 to read:

10 **Sec. 47.14.235. Meetings; expenses.** (a) A local panel shall conduct its
11 meetings in the judicial district in which its members reside.

12 (b) The local panel shall elect one of its members to serve as chair for a term
13 of one year.

14 (c) A majority of the members of a local panel constitutes a quorum. A panel
15 may not take official action without the affirmative vote of at least three of its
16 members.

17 (d) A local panel member is not eligible for travel expenses, per diem, or other
18 expenses for service on the local panel unless the state panel requires a local panel
19 member to travel to attend a meeting. If the state panel requires a local panel member
20 to travel to attend a meeting, the local panel member is entitled to reimbursement for
21 actual expenses incurred by the member in attending the meeting, except that the
22 reimbursement may not exceed the amount of per diem and expenses authorized for
23 boards and commissions under AS 39.20.180.

24 * **Sec. 19.** AS 47.14 is amended by adding a new section to article 3 to read:

25 **Sec. 47.14.245. Duties of local panel.** (a) A local panel shall review the case
26 plan of each child in the custody of the department who is in a placement other than
27 the child's own home under AS 47.10.080(c)(1) or (3), 47.10.142, or AS 47.14.100(c)
28 if the case is under the jurisdiction of a court in the judicial district served by the
29 panel. A local panel may request a local panel in another judicial district to conduct a
30 review and make a report if that local panel is more convenient for the child and other
31 persons involved.

(b) The local panel shall review a case as required under 42 U.S.C. 671 - 675 (P.L. 96-272) within 180 days after the day the child is initially removed from the child's home and every six months thereafter. A court review may be substituted for a review required under this subsection if the court review meets the requirements of this subsection.

(c) At least 30 days before it begins a review, the local panel shall provide written notice to the following persons that a review will be conducted and that each person notified may participate in the review:

- (1) the department;
- (2) the child or the child's legal representative;
- (3) the child's parents;
- (4) the child's guardian;
- (5) the child's guardian ad litem;
- (6) the child's out-of-home care provider; and
- (7) if the case is governed by 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act of 1978),
 - (A) the child's Indian custodian; and
 - (B) the designated representative of the child's Indian tribe if the tribe has intervened in the case.

(d) In reviewing a case, the local panel shall consider the case plan and any progress report of the department or the child's guardian ad litem, court records, and other relevant information about the child and the child's family. The local panel shall also provide to the following persons an opportunity to be interviewed by the panel in person or by telephone or to provide written material to the panel:

- (1) the child whose case is being reviewed if the child is 10 years of age or older;
- (2) the parents, custodians, or other relatives of the child;
- (3) the child's out-of-home care provider;
- (4) the child's guardian;
- (5) the child's guardian ad litem;
- (6) the case worker or social worker assigned to the case;

1 (7) if the case is governed by 25 U.S.C. 1901 - 1963 (Indian Child
2 Welfare Act of 1978),

3 (A) the child's Indian custodian; and

4 (B) the designated representative of the child's Indian tribe if
5 the tribe has intervened in the case; and

6 (8) other persons with a close personal knowledge of the case.

7 (e) At the discretion of the child's guardian ad litem, if the child whose case is
8 being reviewed is under 10 years of age, the child may be present at interviews
9 conducted under (d) of this section and during review by the panel, or may be
10 interviewed. At the child's request, a child who is 10 years of age or older shall be
11 allowed to be present at interviews or a review of the local panel that concerns the
12 child's case unless the panel determines that, for good cause, the child's presence
13 would be contrary to the best interests of the child or there is other good cause for
14 denying the child's request.

15 (f) During a review under (a) of this section, a local panel shall

16 (1) determine whether the child has a case plan designed to achieve
17 placement in the least restrictive, most family-like setting available in close proximity
18 to the home of the child's parents that is consistent with the best interests of and
19 special needs and circumstances of the child;

20 (2) evaluate the continuing necessity and appropriateness of the child's
21 placement, the extent of the compliance with the child's case plan, and the extent of
22 progress that has been made toward mitigating the causes that necessitated placement
23 away from the child's parents;

24 (3) ascertain the date by which it is likely the child may be returned to
25 the home or placed for adoption or legal guardianship;

26 (4) determine whether there has been compliance with applicable
27 provisions of 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act of 1978) and other
28 applicable state and federal laws; and

29 (5) determine whether there has been compliance with court review
30 requirements of AS 47.10.080(f) and (l) and 47.10.142(h).

31 (g) The local panel shall, within 30 days after reviewing the case, submit a

1 written report to the persons listed in (c) of this section.

2 (h) In drafting the report required under (g) of this section, the local panel
3 shall make advisory recommendations based on the best interests of the child in
4 accordance with AS 47.10.082 and include notification of the right to request court
5 review under AS 47.10.080(f). If the court has scheduled the case for review, the local
6 panel shall submit its report at least 20 days before the hearing.

7 (i) The local panel shall report to the state panel information needed by the
8 state panel to prepare the report required under AS 47.14.215.

9 * **Sec. 20.** AS 47.14 is amended by adding a new section to article 3 to read:

10 **Sec. 47.14.255. Cooperation with state and local panels.** The department,
11 the Department of Law, the Public Defender Agency, the office of public advocacy,
12 and the court system shall cooperate with the state panel and the local panels to
13 facilitate timely review of plans for children whose cases are under the jurisdiction of
14 the panels and to facilitate access to records required under AS 47.14.265. If a timely
15 review is not made under this section, the local panel shall report to the state panel for
16 inclusion in the report made under AS 47.14.215(3).

17 * **Sec. 21.** AS 47.14 is amended by adding a new section to article 3 to read:

18 **Sec. 47.14.265. Records; communications.** (a) Notwithstanding
19 AS 47.10.090, at the request of a local panel, the department, the child's guardian ad
20 litem, and the court shall furnish to the local panel relevant records concerning a child
21 and the child's family who are the subjects of a local panel review. At the conclusion
22 of a review, all copies of records provided to a local panel under this section shall be
23 returned to the staff that serves the local panel or to the agency from which the
24 original copy was obtained, unless the panel members need the copies to prepare the
25 reports required under AS 47.14.245(g) - (i). Copies retained for preparation of the
26 reports shall be returned to the staff that serves the local panel or to the originating
27 agency upon completion of the reports. Notwithstanding AS 44.62.310, records and
28 reports of the local panel, testimony before the local panel, and deliberations of the
29 local panel are confidential under AS 47.10.090.

30 (b) A local panel member may not reveal to another person, other than another
31 member of the local panel or the staff serving the local panel, a communication made

1 to the member while performing the member's duties under AS 47.14.205 - 47.14.295,
 2 except as required under AS 47.17 or as required by court order for good cause shown.
 3 A local panel member may share with the state panel communications made during the
 4 local panel member's performance of official duties if the local panel member omits
 5 identifying information.

6 (c) A local panel proceeding is not governed by AS 44.62.310.

7 * **Sec. 22.** AS 47.14 is amended by adding a new section to article 3 to read:

8 **Sec. 47.14.275. Court review of report.** (a) When a report is admissible
 9 under court rules, the court may consider the report of the local panel in its review
 10 under AS 47.10.080(f) and at other disposition hearings other than hearings related to
 11 delinquency proceedings.

12 (b) The court may refer to the local panel a case called for a special review
 13 under AS 47.10.080(f).

14 * **Sec. 23.** AS 47.14 is amended by adding a new section to article 3 to read:

15 **Sec. 47.14.285. Indemnification of panel members.** A state panel member
 16 and a local panel member shall be indemnified by the state for civil liability for a
 17 negligent act or omission of the panel member that occurs in the performance of the
 18 member's duties under AS 47.14.205 - 47.14.295, unless the civil liability results from
 19 the panel member's violation of

20 (1) AS 47.14.265(b); or

21 (2) the oath or affirmation required under AS 47.14.225(e).

22 * **Sec. 24.** AS 47.14 is amended by adding a new section to article 3 to read:

23 **Sec. 47.14.295. Definitions.** In AS 47.14.205 - 47.14.295,

24 (1) "local panel" means a local citizen out-of-home care review panel
 25 appointed under AS 47.14.225;

26 (2) "out-of-home care provider" means an agency or a person, other
 27 than the child's legal parents, with whom the child is currently placed and who is in
 28 the custody of the state under AS 47.10.080(c)(1) or (3), 47.10.142, or
 29 AS 47.14.100(c), including a foster parent, a relative other than a parent, a person who
 30 has petitioned for adoption of the child, or a residential child care facility;

31 (3) "state panel" means the Citizens' Review Panel for Permanency

1 Planning established under AS 47.14.205.

2 * **Sec. 25.** AS 47.17.027(a) is amended to read:

3 (a) If the department or a law enforcement agency provides written
 4 certification to the child's school officials that (1) there is reasonable cause to suspect
 5 that the child has been abused or neglected by a person responsible for the child's
 6 welfare or as a result of conditions created by a person responsible for the child's
 7 welfare; (2) an interview at school is a necessary part of an investigation to determine
 8 whether the child has been abused or neglected; and (3) the interview at school is in
 9 the best interests of the child, school officials shall permit the child to be interviewed
 10 at school by the department or a law enforcement agency before notification of, or
 11 receiving permission from, the child's parent, guardian, or custodian. A school official
 12 shall be present during an interview at the school unless the child objects or the
 13 department or law enforcement agency determines that the presence of the school
 14 official will interfere with the investigation. **The interview shall be conducted as**
 15 **required under AS 47.17.033.** Immediately after conducting an interview authorized
 16 under this section, and after informing the child of the intention to notify the child's
 17 parent, guardian, or custodian, the department or agency shall make every reasonable
 18 effort to notify the child's parent, guardian, or custodian that the interview occurred
 19 unless it appears to the department or agency that notifying the child's parent,
 20 guardian, or custodian would endanger the child.

21 * **Sec. 26.** AS 47.17.033 is amended by adding a new subsection to read:

22 (c) An investigation by the department of child abuse or neglect
 23 reported under this chapter shall be conducted by a person trained to conduct a child
 24 abuse and neglect investigation and without subjecting a child to more than one
 25 interview about the abuse or neglect except when new information is obtained that
 26 requires further information from the child.

27 * **Sec. 27.** The uncoded law of the State of Alaska is amended by adding a new section to
 28 read:

29 DIRECT COURT RULE AMENDMENT. Rule 3(f), Alaska Child in Need of
 30 Aid Rules of Procedure, is amended to read:

31 (f) **General Public Included [EXCLUDED].** Hearings are [NOT] open to

1 the public. However, the court may, after due consideration for the welfare of the
 2 child and the family, **exclude** [ADMIT] specific individuals **from** [TO] a hearing.

3 * **Sec. 28.** The uncoded law of the State of Alaska is amended by adding a new section to
 4 read:

5 DIRECT COURT RULE AMENDMENT. Rule 3, Alaska Child in Need of
 6 Aid Rules of Procedure, is amended by adding a new subsection to read:

7 (j) **Use of Child's Name and Identifying Information Prohibited.**

8 References to a child shall be made using the child's first name only. All identifying
 9 information of the child, including the child's last name, address, and the names of the
 10 child's immediate family members, shall be protected during the hearing so that only
 11 the confidential record contains that information. If a child appears at the hearing, the
 12 child shall be located away from view of the public.

13 * **Sec. 29.** The uncoded law of the State of Alaska is amended by adding a new section to
 14 read:

15 DIRECT COURT RULE AMENDMENT. Rule 18(e), Alaska Child in Need
 16 of Aid Rules of Procedure, is amended to read:

17 (e) **Trial.** A trial on the petition to terminate parental rights

18 **(1)** shall be held within six months after the date on which the petition
 19 to terminate parental rights is filed, unless the court finds that good cause is shown for
 20 a continuance; **when** [. WHEN] determining whether to grant a continuance for good
 21 cause, the court shall take into consideration the age of the child and the potential
 22 adverse effect that the delay may have on the child; **the** [. THE] court shall make
 23 written findings when granting a continuance;

24 **(2) shall be by jury when a jury trial has been demanded and not**
 25 **waived by a party as provided in Rules 38 and 39, Alaska Rules of Civil**
 26 **Procedure.**

27 * **Sec. 30.** The uncoded law of the State of Alaska is amended by adding a new section to
 28 read:

29 DIRECT COURT RULE AMENDMENT. Rule 18(g), Alaska Child in Need
 30 of Aid Rules of Procedure, is amended to read:

31 (g) **Judgment.** The court shall make findings of fact **for matters tried to the**

1 **court** and **shall** enter an order within 90 days after the last day of trial on the petition
2 to terminate parental rights. The court shall commit the child to the custody of the
3 Department if parental rights are terminated.

4 * **Sec. 31.** The uncoded law of the State of Alaska is amended by adding a new section to
5 read:

6 INDIRECT COURT RULE AMENDMENT. AS 47.10.070(a), as amended by sec. 5
7 of this Act, has the effect of changing Rule 3, Alaska Child in Need of Aid Rules of
8 Procedure, by allowing members of the public to attend court hearings except in certain
9 circumstances.

10 * **Sec. 32.** The uncoded law of the State of Alaska is amended by adding a new section to
11 read:

12 INDIRECT COURT RULE AMENDMENT. AS 47.10.065, enacted by sec. 4 of this
13 Act, and AS 47.10.080(c), as amended by sec. 7 of this Act, have the effect of changing Rule
14 18, Alaska Child in Need of Aid Rules of Procedure, by providing for a right to a jury trial on
15 a petition to terminate parental rights.

16 * **Sec. 33.** The uncoded law of the State of Alaska is amended by adding a new section to
17 read:

18 TWO-THIRDS VOTE NOT REQUIRED FOR CERTAIN AMENDMENTS.
19 Because the enactment of AS 47.10.065 and the amendments to AS 47.10.080(c) and Rules
20 18(e) and 18(g), Alaska Child in Need of Aid Rules of Procedure, to the extent that the
21 enactment and amendments provide a right to a jury trial on a petition to terminate parental
22 rights, affect a substantive right, secs. 4, 7, 29, and 30 of this Act do not require a two-thirds
23 vote of the legislature to confer the right to a jury trial on a petition to terminate parental
24 rights.

25 * **Sec. 34.** The uncoded law of the State of Alaska is amended by adding a new section to
26 read:

27 INITIAL MEMBERS OF STATE PANEL. Notwithstanding AS 47.14.205, enacted
28 by sec. 15 of this Act, the governor shall appoint the initial public members of the Citizens'
29 Review Panel for Permanency Planning so that one serves a one-year term, two serve two-
30 year terms, and two serve three-year terms. The initial public members must be persons who
31 have experience, special knowledge, or a demonstrated interest in the welfare of children.

1 * **Sec. 35.** The uncoded law of the State of Alaska is amended by adding a new section to
2 read:

3 APPLICABILITY. (a) AS 47.10.065, enacted by sec. 4 of this Act, 47.10.080(c), as
4 amended by sec. 7 of this Act, and Rules 18(e) and 18(g), Alaska Child in Need of Aid Rules
5 of Procedure, as amended by secs. 29 and 30 of this Act, apply to petitions to terminate
6 parental rights that are filed on or after the effective date of secs. 4, 7, 29, and 30 of this Act.

7 (b) AS 47.10.070(a), as amended by sec. 5 of this Act, and Rule 3, Alaska Child in
8 Need of Aid Rules of Procedure, as amended by secs. 27 and 28 of this Act, apply to hearings
9 that are conducted on or after the effective date of secs. 5, 27, and 28 of this Act.

10 * **Sec. 36.** The uncoded law of the State of Alaska is amended by adding a new section to
11 read:

12 TRANSITION: REGULATIONS. The Department of Health and Social Services
13 may proceed to adopt regulations necessary to implement AS 47.10.960 as amended by sec.
14 12 of this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act),
15 but not before the effective date of sec. 12 of this Act.

16 * **Sec. 37.** The uncoded law of the State of Alaska is amended by adding a new section to
17 read:

18 CONDITIONAL EFFECT. (a) Rules 18(e) and 18(g), Alaska Child in Need of Aid
19 Rules of Procedure, as amended by secs. 29 and 30 of this Act, respectively, to the extent that
20 the amendments require adherence to the Alaska Rules of Civil Procedure or otherwise
21 modify procedure, take effect only if secs. 29 and 30 of this Act receive the two-thirds
22 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

23 (b) The amendment of AS 47.10.070(a) made by sec. 5 of this Act and Rule 3, Alaska
24 Child in Need of Aid Rules of Procedure, as amended by secs. 27 and 28 of this Act, take
25 effect only if secs. 27 and 28 of this Act receive the two-thirds majority vote of each house
26 required by art. IV, sec. 15, Constitution of the State of Alaska.

27 * **Sec. 38.** AS 47.10.960, as amended by sec. 12 of this Act, takes effect 180 days after the
28 effective date of secs. 1 - 11 of this Act.

29 * **Sec. 39.** Except as provided in sec. 38 of this Act, this Act takes effect immediately under
30 AS 01.10.070(c).